

Complainant Affidavit

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TONY F. MOORE, CLERK
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

6:13-cv-2423 LAF

August 1, 2013

Complainant is a 63-year-old African-American male, veteran, employed by the Department of Veterans Affairs, as a staff physician, in Primary Care since November 18, 2002. Complainant's allegation is one of discrimination based on his race (Afro-American), gender (male), age (63 years old), and reprisal (prior EEO activity).

Claim 1 - Defamation of character

Basis: Age- (63) (08/01/1950), Race-African-American, Sex – Male

On September 5, 2012, Complainant was falsely accused of abandonment of Patient X, by Administrative Officer at the Lafayette Community Based Outpatient Clinic (LCBOC), Angela LeBlanc, based on unfounded, uninvestigated allegations provided by nursing staff seeking to retaliate, harassed, defame complainant's character, attempting to cause complainant's termination. Cleotter Simien, RN, retaliated because complainant reported to the Acting Chief of Primary Care, Dr. Suzanne Taylor, nurse Simien's failure to implement the PACT (Patient Aligned Care Team) Model. Nurse, Mary Andrus, LPN, harassed and retaliated against complainant because complainant filed a verbal complaint against her, with her supervisor, Geralyn Shelvin, Acting Head Nurse. Nurse Lynette Rutland, LPN harassed and retaliated against complainant because complainant requested she show more care in documenting the correct medication, dosage related to correct patient. Administrative Officer Angela LeBlanc, Clotter Simien RN Care Manager for Team D, Lynette Rutland LPN Team D, & Mary Andrus LPN Team A discriminated, harassed and retaliated against Complainant by attempting to coerce Patient X to provide false testimony against Complainant, in order to have Complainant fired.

Claim 2 – Terms and Conditions of Employment

Basis: Age – (63) (08/10/1950), Race – African-American, Reprisal, Gender - Male

On September 5, 2012 Complainant was denied two fifteen breaks and a 30 minutes lunch break by Administrative Officer at the Lafayette Community Based Outpatient Clinic (LCBOC), Angela LeBlanc. Nursing staff above reported that Dr. Stroy was on a break. A Medical Center Memorandum for (MCM) was issued on September 21, 2012 that no one on staff was allowed to leave their duty station during the hours of 08:00 AM until 04:30PM.

Claim 3- Harassment/Hostile Work Environment (Non-Sexual)

Basis for: Age (63) (08/10/1950), Race – African-American, Gender – Male, Reprisal

On September 12, 2012, I received a phone call after usual work hours from Dr. Taylor directing me to report to Alexandria VA Medical Center to meet with Dr. José Rivera in reference to a phone call I made to Cleotter Simien, RN. I indicated that the phone call referenced Patient X and a copy of written narcotic prescription Complainant wrote.

On September 21, 2012 Dr. Suzanne Taylor interim Chief of Staff, retaliated against Complainant with false allegations stating the following: 1. On September 5, 2012 I left my duty station; 2. I was not courteous and civil with co-workers; 3. I was undignified, and displayed discourteous conduct; 4. I displayed bitterness and resentment in my speech, attitude and tone when dealing with people; I was argumentative; 6. I illegally left duty station during tour of duty; and 7. I abandoned Patient X. Dr. Suzanne Taylor relied on false allegations and caused Complainant humiliation in presence of my peers. Dr. Suzanne Taylor did not conduct a fact-finding into the allegations of abandonment therefore, discriminating against Complaint because of Race - African – American, and Age 63 years old, as well as Gender – male.

On September 21, 2012, I was again denied two 15 minute breaks and a 30 minute lunch.

The grounds for filing the above claims are as follows: The above referenced allegations stem from the instant claim, as it is evinces the harassment, hostile work environment, retaliation, discriminatory practices the Agency is engaged in against complaint and based on its management's discriminatory harassment, hostile work environment, retaliation, and discriminatory animus motivation towards the complainant. The new discrimination, harassment, hostile work environment, retaliation, reprisal charges against management officials at the Veterans Administration Medical Center in Alexandria, Louisiana, must be accepted for an adjudication based on the fact that it is related to the instant claim, as Agency seeks to continue to harm complainant prohibited personnel practices under 5 USC and 2302(b)(1)-(b)(12); Title VII of the Civil Rights Act of 1964m as amended; VA MCM NO.07B-8; MCM NO. 05-45; MCM NO 00-Q17; National Labor Relations Act; VAMC, Alexandria, LA; VA form 2105, Section 3.03 Code of Conduct. Complainant also has suffered identity theft with family and social stressors. After a thorough fact- finding that involved interviewing and researching of Complainant's medical record, it was determined that Complainant's record was inappropriately accessed 17 times by 11 different individuals including the Nurses mentioned above.

Nonetheless, Complainant continues to work long hours 12 to 16 daily with delivery of quality healthcare to all the veterans regardless of race, creed or national origin. Surely relief is on the way, a larger clinic and a better working environment and relationships in the near future.

John Stroy, MD

Staff Physician

Alexandria VAMC @LCBOC

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